

**SUPREME COURT MINUTES
TUESDAY, DECEMBER 11, 2007
SAN FRANCISCO, CALIFORNIA**

S157648 D049020 Fourth Appellate District, Div. 1 **PEOPLE v. STUEDEMANN
(DAVID EDWARD)**

The time for granting or denying review on the court's own motion in the above-entitled matter is hereby extended to January 14, 2008. (Cal. Rules of Court; rule 8.512(c)(1).)

S034800 **PEOPLE v. DEHOYOS
(RICHARD LUCIO)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Gary D. Garcia's representation that he anticipates filing the appellant's opening brief by June 2, 2008, counsel's request for an extension of time in which to file that brief is granted to February 13, 2008. After that date, only two further extensions totaling about 110 additional days are contemplated.

S067394 **PEOPLE v. CAPISTRANO
(JOHN LEO)**

Extension of time granted

Good cause appearing, and based upon Assistant State Public Defender Kathleen Scheidel's representation that she anticipates filing the appellant's reply brief by October 2008, counsel's request for an extension of time in which to file that brief is granted to February 13, 2008. After that date, only four further extensions totaling about 240 additional days are contemplated.

S075875 **PEOPLE v. RUSSELL (TIMOTHY)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Kent Barkhurst's representation that he anticipates filing the appellant's reply brief by June 9, 2009, counsel's request for an extension of time in which to file that brief is granted to February 8, 2008. After that date, only eight further extensions totaling about 480 additional days will be granted.

S076169**PEOPLE v. PARKER (GERALD)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy State Public Defender Jeffrey J. Gale's representation that he anticipates filing the appellant's opening brief by April 2008, counsel's request for an extension of time in which to file that brief is granted to February 8, 2008. After that date, only one further extension totaling about 60 additional days will be granted.

S078027**PEOPLE v. STREETER
(HOWARD LARCELL)**

Extension of time granted

Good cause appearing, and based upon Assistant State Public Defender Andrew S. Love's representation that he anticipates filing the appellant's opening brief by April 15, 2008, counsel's request for an extension of time in which to file that brief is granted to February 13, 2008. After that date, only one further extension totaling about 60 additional days will be granted.

S116882**PEOPLE v. BURGNER
(MICHAEL RAY)**

Extension of time granted

Good cause appearing, and based upon Supervising Deputy Attorney General Lilia E. Garcia's representation that she anticipates filing the respondent's brief by April 7, 2008, counsel's request for an extension of time in which to file that brief is granted to February 8, 2008. After that date, only one further extension totaling about 60 additional days is contemplated.

S140077**WALLACE (KEONE) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Michael Cross's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by February 29, 2008, counsel's request for an extension of time in which to file that document is granted to January 25, 2008. After that date, only one further extension totaling about 35 additional days is contemplated.

S155556

D050304 Fourth Appellate District, Div. 1

H. (PHOENIX), IN RE

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the appellant's opening brief on the merits is extended to January 18, 2007.

S156555 B195121/B195370 Second Appellate District, Div. 1 **HARRIS (FRANCES) v. S.C. (LIBERTY MUTUAL INSURANCE)**

Extension of time granted

On application of Liberty Mutual Insurance Company and Golden Eagle Insurance Corporation and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to January 28, 2008.

S158430 G037365 Fourth Appellate District, Div. 3 **RODEN (DONALD R.) v. AMERISOURCE BERGEN CORPORATION**

Extension of time granted

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to petition for review is extended to January 9, 2008.

S107900 **PEOPLE v. WRIGHT, JR. (WILLIAM LEE)**

Order appointing State Public Defender filed

Upon request of appellant for appointment of counsel, the State Public Defender is hereby appointed to represent appellant William Lee Wright, Jr., for the direct appeal in the above automatic appeal now pending in this court.

S112691 **PEOPLE v. WESTERFIELD (DAVID ALAN)**

Counsel appointment order filed

Upon request of appellant for appointment of counsel, Mark D. Greenberg is hereby appointed to represent appellant David Alan Westerfield for the direct appeal in the above automatic appeal now pending in this court.

S118147 **PEOPLE v. MIRANDA-GUERRERO (VICTOR M.)**

Order appointing State Public Defender filed

Upon request of appellant for appointment of counsel, the State Public Defender is hereby appointed to represent appellant Victor M. Miranda-Guerrero for the direct appeal in the above automatic appeal now pending in this court.

S091915**PEOPLE v. NUNEZ (DANIEL) &
SATELE (WILLIAM TUPUA)**

Order filed

Appellant William Tupua Satele's "application to file oversized appellant's opening brief" is granted.

S156894**FISHER ON DISCIPLINE**

Recommended discipline imposed

It is ordered that PAUL E. FISHER, State Bar No. 125309, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on August 14, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-half of said costs be paid with membership fees for the years 2009 and 2010. It is further ordered that if respondent fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S157374**MORA ON DISCIPLINE**

Recommended discipline imposed

It is ordered that AUGUSTO A. MORA, State Bar No. 147160, be suspended from the practice of law for five years, that execution of the suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4 (c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 22, 2007. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) Respondent is further ordered to comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10, and one-third of said costs be paid with membership fees for the years 2009, 2010, and 2011. It is further ordered that if respondent fails to pay any installment of disciplinary costs within the time provided herein or as may

be modified by the State Bar Court pursuant to Business and Professions Code section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S157375**NG ON DISCIPLINE**

Recommended discipline imposed

It is ordered that HENRY LIANG CHYE NG, State Bar No. 195274, be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for one year on condition that he be actually suspended for 60 days. Henry Liang Chye Ng is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed August 22, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-half of said costs be paid with membership fees for the years 2009 and 2010. It is further ordered that if Henry Liang Chye Ng fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286.) The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S157376**WHARTON ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that JAMES HOWARD WHARTON State Bar No. 64718 be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)